

MEMORANDUM

Agenda Item No. 7(E)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: November 1, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to historic preservation and ad valorem taxation; amending definition of owner for historic preservation purposes as it relates to condominium and cooperative properties and certain land leases; revising criteria for appointment of Historic Preservation Board members; providing for term limits on Historic Preservation Board members; requiring waiver of such term limits by ordinance; requiring training of new Board members; requiring the Board to consider certain criteria in deciding whether to designate certain sites; requiring designation reports to include additional factors; providing an ad valorem tax exemption for certain historic properties used for commercial or nonprofit purposes; making technical changes; amending sections 16A-4, 16A-6, 16A-10, and 16A-18 of the Code

A substitute was presented and forwarded to the BCC with a favorable recommendation at the 10-11-16 Unincorporated Municipal Service Area Committee. This substitute differs from the original in that it specifies that the tax exemption, authorized by section 196.1961, Florida Statutes, for certain historic properties used for commercial or nonprofit purposes shall apply to the countywide operating and unincorporated municipal service area (UMSA) taxes levied by the County for qualifying properties located in the unincorporated area, and to the countywide operating taxes levied by the County for qualifying properties located within municipalities where the County has historic preservation jurisdiction. The substitute also corrects two scrivener's errors.

The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Sally A. Heyman and Chairman Jean Monestime.



Abigail Price-Williams
County Attorney

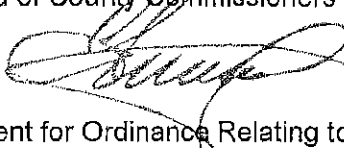
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Memorandum



Date: November 1, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

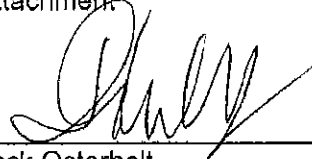
Subject: Fiscal Impact Statement for Ordinance Relating to Historic Preservation

The proposed ordinance relating to historic preservation and ad valorem taxation amends Sections 16A-4, 16A-6, 16A-10 and 16A-18 of the Code of Miami-Dade County updating and streamlining the County's existing Historic Preservation Ordinance. These particular amendments are recommendations of the Mayor's Historic Preservation Advisory Work Group.

Approval of this item does not create an immediate fiscal impact to the County as additional staffing resources or operational costs are not anticipated. However, the proposed ordinance does introduce an additional ad valorem tax exemption opportunity for owners of historic properties in the County's historic preservation jurisdiction that are commercial or utilized by non-profit associations, which is to become effective January 1, 2017. Section 196.1961 of the Florida Statutes provides that a local government may provide an ad valorem tax exemption of up to 50 percent of the value of eligible historic properties. The proposed ordinance would provide an exemption of up to 25 percent of the value of historic properties that meet the criteria in Section 196.1961, Florida Statutes.

If the existing historically designated properties that meet the eligibility criteria were to seek the tax abatement of 25 percent, staff anticipates the fiscal impact would be approximately \$638.22 in-ad-valorem revenue loss. This assumption only contemplates the seven (7) properties that currently meet the eligibility criteria and is based on the abatement applying to only the countywide and unincorporated municipal service area operating millage rates, as the specified in the proposed ordinance. The attached table exhibits the five year impact based on the assumptions in the FY 2016-17 Proposed Budget. Each tax exemption application and its associated fiscal impact will be evaluated and presented to the Board separately. This additional ad valorem tax exemption is separate from the one currently in the Code that is for the rehabilitation of historic properties pursuant to Section 196.1997, Florida Statutes.

Attachment



Jack Osterholt
Deputy Mayor

fis08816 161895 sub to 161263

Fiscal Impact Table for SUB 161895

Use Existing
Resources

Revenue Category	Value	Year 1	Future Yr 1	Future Yr 2	Future Yr 3	Future Yr 4	Future Yr 5	Yes	No
Ad Valorem Revenue		\$ (638)	\$ (677)	\$ (713)	\$ (751)	\$ (792)	\$ (834)	x	
Proprietary									
Federal Funds									
State Funds									
Interagency Transfers									
Subtotal	\$ -	\$ (638)	\$ (677)	\$ (713)	\$ (751)	\$ (792)	\$ (834)		
Expenditure Category									
Operating									
Salary									
Fringes									
Court Costs									
Contractual Services									
Charges for County Services									
Other Operating									
Grants to Outside Organizations									
Capital									
Subtotal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Non-Operating									
Debt Services									
Distribution of Funds In Trust									
Transfers									
Depreciation, Amortization, and Deletions									
Subtotal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Grand Total	\$ -	\$ (638)	\$ (677)	\$ (713)	\$ (751)	\$ (792)	\$ (834)		

Note: Fiscal impact narrative (paragraph above the table) should contain the following, if applicable:

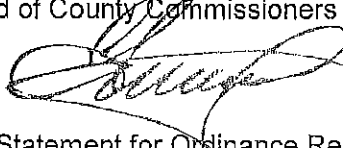
1. Description of the anticipated increase or decrease of expenditures listed above and current and subsequent fiscal years, if any.
2. Description of projected dollar value of anticipated expenditures that will be absorbed within existing resources within the current fiscal year;
3. Description of subsequent governmental action that will be required in order to determine anticipated revenues and expenditures, including new revenues (federal, state, or the need to increase existing fees)
4. Any long-term fiscal implications as a result of the implementation of the proposed legislation, if any, in cases where risk factors or other variables that may impact future revenues or expenditures are uncertain, volatile, or difficult to project, a description of risk factors or variables and estimate or projection of anticipated or projected impacts to revenues and expenditures
5. Description of all assumptions used to project the fiscal impact of the proposed legislation and include estimate anticipated revenues and expenditures
6. In the cases where the Mayor has determined a "no fiscal impact", a description of the assumptions and analysis used to reach that conclusion

Memorandum



Date: November 1, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

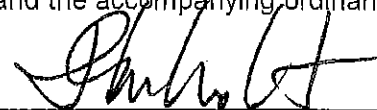
Subject: Social Equity Impact Statement for Ordinance Relating to Historic Preservation

The proposed ordinance incorporates the recommended amendments from the Mayor's Historic Preservation Advisory Work Group into the County's Historic Preservation Ordinance. More specifically, the proposed ordinance does the following:

- Defines "owner" for condominiums and cooperative properties as the condo association, board, or the cooperative corporation for the purposes of who may request a historic designation for these properties, as the current Code does not contain special provisions in the circumstance of a building with multiple property owners such as condominiums or cooperative properties.
- Adds additional professional fields to the list of those members of the community who may be appointed to the Historic Preservation Board.
- Establishes term limits of two (2) consecutive four-year terms for Historic Preservation Board members, which cannot be waived by the Board of County Commissioners except by ordinance, and all new Historic Preservation Board members shall receive orientation and training.
- Adds the requirement that any proposed projects or planning information be added into the designation reports so that the Historic Preservation Board may consider them during a public hearing for designation.
- Introduces an additional tax exemption opportunity of up to 25 percent for owners of historic properties in the County's historic preservation jurisdiction that are commercial or are utilized by non-profit associations authorized under Section 196.1961, Florida Statutes. Currently, the code only provides an ad valorem tax exemption for the rehabilitation of historic properties, not an exemption for a property simply being designated.

The County's Historic Preservation Ordinance is an important tool used to further the County's mission to preserve and protect our community's historic and archaeological resources. This ordinance was last amended and modified in 2003 and the proposed amendments intend to address current challenges or deficiencies. A specific social equity benefit or burden cannot be determined at this time. However, through the additional ad valorem tax exemption program, property owners will have the ability to seek additional incentives to preserve and maintain their historic properties, which in return can provide monetary relief to the property owner, potentially increase property values, and benefits the community as a whole through the preservation of unique historic resources. The proposed ordinance also responds to concerns communicated by property owners, municipalities and other interested parties involved in recent designations.

This proposed ordinance complements the other amendments to the Code recommended in the accompanying ordinance related to the Board of County Commissioners' rules and procedures. Additionally, the County's Historic Preservation Board has adopted a resolution supporting both this and the accompanying ordinance.



Jack Osterholt
Deputy Mayor
161263



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: November 1, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(E)

Please note any items checked.

- ☒ "3-Day Rule" for committees applicable if raised
- ☒ 6 weeks required between first reading and public hearing
- ☒ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(E)
11-1-16

ORDINANCE NO. _____

ORDINANCE RELATING TO HISTORIC PRESERVATION AND AD VALOREM TAXATION; AMENDING DEFINITION OF OWNER FOR HISTORIC PRESERVATION PURPOSES AS IT RELATES TO CONDOMINIUM AND COOPERATE PROPERTIES AND CERTAIN LAND LEASES; REVISING CRITERIA FOR APPOINTMENT OF HISTORIC PRESERVATION BOARD MEMBERS; PROVIDING FOR TERM LIMITS ON HISTORIC PRESERVATION BOARD MEMBERS; REQUIRING WAIVER OF SUCH TERM LIMITS BY ORDINANCE; REQUIRING TRAINING OF NEW BOARD MEMBERS; REQUIRING THE BOARD TO CONSIDER CERTAIN CRITERIA IN DECIDING WHETHER TO DESIGNATE CERTAIN SITES; REQUIRING DESIGNATION REPORTS TO INCLUDE ADDITIONAL FACTORS; PROVIDING AN AD VALOREM TAX EXEMPTION FOR CERTAIN HISTORIC PROPERTIES USED FOR COMMERCIAL OR NONPROFIT PURPOSES; MAKING TECHNICAL CHANGES; AMENDING SECTIONS 16A-4, 16A-6, 16A-10, AND 16A-18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 16A-4 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 16A-4. Definitions.

* * *

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

- (14) *Owner*>>(s)<< ~~[[of a designated property]]~~: >>An owner is any person, organization, corporation, or other entity having a recorded fee simple interest in a building or its underlying land. When the ownership of a building has been divided into condominiums, the condominium association shall be considered the sole owner. When a building is owned by a cooperative corporation, the corporation shall be considered the sole owner. When an owner has entered into a recorded land lease for a term exceeding 75 years, which lease entitles the lessee to construct, demolish, or alter buildings on the land, the lessee shall also be considered an owner.<< ~~[[As reflected on the current Metropolitan Miami-Dade County tax rolls or current title holder.]]~~

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Section 2. Section 16A-6 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

Sec. 16A-6. Same—Members.

The Board shall consist of >>13<< ~~[[thirteen—(13)]]~~ members appointed by the Board of County Commissioners. The Board of County Commissioners should attempt to appoint architects, realtors, archeologists, historians, art historians, lawyers>>, developers, contractors, engineers, economists,<< or other individuals from the business, financial and other segments of the community who, by virtue of their profession or business, have demonstrated concern for historic preservation. The Historic Preservation Board shall contain not less than one architect; one real estate ~~[[agent]]~~ >>professional<< or attorney at law; and one historian or architectural historian. The term of office of membership shall be >>4<< ~~[[four—(4)]]~~ years for each member. Any vacancy occurring on the Board shall be filled by the County Commission for the remainder of the unexpired term, at the earliest possible date. Members shall be eligible for reappointment>>, but shall not serve more than 2 consecutive 4-year terms without a hiatus of at least 4 years, provided, however, that an appointment to fill an unexpired term shall not preclude that appointee from serving 2 consecutive 4-year terms thereafter, subject to waiver by a two-thirds vote of the Board of County Commissioners as provided in section 2-11.38.2. The provisions of section 2-11.38.2

that authorize the Board of County Commissioners to waive term limit restrictions by resolution adopted by a two-thirds vote of members present shall not otherwise apply, and the aforementioned term limit restrictions shall not be waived by the Board of County Commissioners except by ordinance<<. Members of the Board shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their official duties, as shall be determined and approved by the County Commission. >>All new members shall receive an orientation or training upon being appointed to the Board. Except as otherwise provided in this Section,<< ~~[[Members of the]]~~ Board >>members<< shall be governed by >>the provisions applicable to all County boards, as set forth in Chapter 2, Article IB<< ~~[[Section 2-11.36, et seq.]]~~ of the Code.

Section 3. Section 16A-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 16A-10. Designation process and procedure.

>>In deciding whether to exercise its discretion to designate a proposed individual site, district, or<< >>archaeological<<² >>or paleontological zone, the Board shall consider the objective criteria set forth in subsection (1) below, as well as the factors and considerations required to be addressed in staff's designation report pursuant to subsection (3) below, along with the evidence and testimony presented at the public hearing and any other information the Board deems relevant to its determination,<<

(>>1<<[[F]]) ~~[[F]]~~Criteria.~~[[F]]~~ The Board shall have the authority to designate areas, places, buildings, structures, landscape features, archeological and paleontological sites and other improvements or physical features, as individual sites, districts or archeological or paleontological zones that are significant in Miami-Dade County's history, architecture, paleontology, archeology or culture and possess an integrity of location, design, setting, materials, workmanship or association, or:

² The differences between the substitute and the original item are indicated as follows: Words double stricken through and/or ~~[[double bracketed]]~~ are deleted, words double underlined and/or >>double arrowed<< are added.

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(>>2<<[[H]]) [[E]] *Properties not generally considered; exceptions.*[[F]] Certain properties, which include cemeteries, birthplaces, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, properties commemorative in nature and properties that have achieved significance within the last ~~[[fifty-]]~~50[[F]] years, will not normally be considered for designation. However, such properties will qualify if they are integral parts of districts that do meet the criteria, or if they fall within the following categories:

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(>>3<<[[H]]) >>*Designation*<<[[~~Investigation and designation~~]]
report.[[F]] Prior to the designation of an individual site, a district, or an archeological zone, ~~[[an investigation and]]~~
 >>a<< designation report must be filed with the Board. The format of these reports may vary according to the type of designation; however, all reports must address the following: The historical, cultural, architectural or archeological significance of the property or properties being recommended for designation; a recommendation of boundaries for districts and archaeological zones and identification of boundaries of individual sites being designated; a recommendation of standards to be adopted by the Board in carrying out its regulatory function under this chapter with respect to certificates of appropriateness and certificates to dig. Where a report is filed recommending designation of a district, the report must identify those properties, if any, within the district which are not historically or architecturally compatible with structures in the district. The standards for regulating such nonconforming properties shall provide that a certificate of appropriateness may be required only for new construction on such properties. All reports shall >>also address, to the extent applicable, the following: any<< ~~[[take into consideration]]~~ projected, proposed or existing public improvements and developmental or renewal plans>>; any private plans for development or redevelopment of the property or area under consideration, including any new architecture or features proposed for the same location; any applicable neighborhood or community revitalization goals, plans, or objectives, including any existing policies in the

local government's comprehensive plan or other planning initiatives pertaining to, among other things, economic development, transportation, and housing; and the possible adaptive use of the property after designation, based on applicable local government zoning regulations and other building code requirements<<.

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Section 4. Section 16A-18 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 16A-18. Tax exemptions ~~[[for renovations]]~~ for historic properties.

>>(1) *Tax exemptions for historic properties used for certain commercial or nonprofit purposes.*

(a) Pursuant to Section 196.1961, Florida Statutes, Miami-Dade County hereby elects to provide for an ad valorem tax exemption of 25 percent of the assessed value for any property, located in the unincorporated area of the County or in a municipality over which the County exercises historic preservation jurisdiction, that meets the following statutory criteria:

- (i) The property must be used for commercial or non-profit purposes;
- (ii) The property must be historically<< >>designated<< ~~[[designed]]~~ >>at the local level, a contributing property to a locally-designated historic district, listed in the National Register of Historic Places, or a contributing property to a National Register Historic District; and
- (iii) The property must be "regularly open to the public," as defined by law.

To retain this ad valorem tax exemption, the historic character of the property must be maintained in good repair and condition to the extent necessary to preserve the historic value and significance of the property.<< >>Where a qualifying property is located in the

unincorporated area, the exemption shall apply to the countywide operating and unincorporated municipal service area (UMSA) taxes levied by the County.<< >>Where a qualifying property is located within a municipality over which the County exercises historic preservation jurisdiction, the exemption shall only apply to<< >>countywide operating<< >>taxes levied by the County. The exemption does not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to Section 9(b) or Section 12, Article VII of the Florida Constitution.

- (b) Any person or entity claiming the ad valorem tax exemption provided under subsection (1)(a) above shall file an application for exemption with the Miami-Dade County Property Appraiser, describing the property for which exemption is claimed and certifying its ownership and use. The Property Appraiser shall process the application and grant the exemption if the property meets the conditions and requirements specified in Section 196.1961, Florida Statutes, as may be amended from time to time. The property shall remain eligible for the exemption for as long as the property remains in compliance with the conditions and requirements specified in the Florida Statutes, as may be amended from time to time.

(2) *Tax exemptions for renovations of historic properties.<<*

- (a) *Scope of tax exemptions.* A method is hereby created for the Board of County Commissioners, at its discretion, to allow tax exemptions for the restoration, renovation, or rehabilitation of historic properties. The exemption shall apply to ~~[[one hundred- () 100()]]~~ percent of the assessed value of all improvements to historic properties which result from restoration, renovation, or rehabilitation made on or after the effective date of this ordinance. The exemption applies only to taxes levied by Metropolitan Miami-Dade County. The exemption does not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to Section 9(b) or Section 12, Article VII of the Florida Constitution. The exemption does not apply to personal property. The exemption under this ordinance does not apply to properties within a community redevelopment area

previously or hereafter established pursuant to Part III of Chapter 163, Florida Statutes, by either the Board of County Commissioners of Miami-Dade County or the governing body of any city or other municipality within Miami-Dade County.

* * *

Section 5. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 6. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 7. This ordinance, except for Section 4 above, shall become effective 10 days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 8. Section 4 of this ordinance, which provides for an ad valorem tax exemption pursuant to Section 196.1961, Florida Statutes, shall become effective on January 1, 2017.

Section 9. The Clerk of the Board is directed to provide notice to the Miami-Dade County Property Appraiser of the adoption of this ordinance, particularly Section 4 hereof, and shall transmit a copy thereof to the Property Appraiser by December 1, 2016.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Handwritten signature of APW, likely representing the County Attorney, written over a horizontal line.

Prepared by:

James Eddie Kirtley

Co-Prime Sponsors: Commissioner Sally Heyman
Chairman Jean Monestime